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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,275	07/25/2000	Eric Hayes	05156.00003	6791
22907	7590	06/08/2004	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			CUNNINGHAM, GREGORY F	
		ART UNIT	PAPER NUMBER	
		2676	DATE MAILED: 06/08/2004	

17

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/625,275	HAYES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Greg Cunningham	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,6-11 and 13-15 is/are pending in the application.  
 4a) Of the above claim(s) 16-82 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4,6-11 and 13-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 July 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This action is responsive to response received 3/22/2004.
2. The disposition of the claims is as follows: claims 1-4, 6-11 and 13-15 have been elected and are pending in the application. Claim 1 is the only elected independent claim. Claims 16-82 are non-elected claims. See comments below under Claim Objections regarding claim 38.

### ***Claim Rejections***

3. In view of the amended claim 38, objection is withdrawn. However, claim 38 now depends from independent claim 30 and therefore part of group III non-elected claims 30-40 and not part of group I elected claims 1-4, 6-11 and 13-15.

### ***Claim Rejections - 35 USC § 112***

4. In view of the amended claim 9, 112 rejection is withdrawn.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over MS-DOS Batch File Programming, 2<sup>nd</sup> Edition, hereafter MS-DOS.

Claims 1-4, 6-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over MS-DOS Batch File Programming, 2<sup>nd</sup> Edition, hereafter MS-DOS and further in view of Crandall et al., (US Patent Number 5,963,641), hereafter Crandall.

A. Per claim 1, operating MS-DOS the fc command, see Fig. 1 below, for using file compare and supplying the directory paths and file names for both a known good (uncorrupted) file and the suspected (corrupted) file. The files can be any type files, i.e. text, font, or binary. The fc command will determine and display the results indicating if the two files compared are OK or if there are errors. More info can be determined and displayed depending on the combination of switches use with fc. See p. 382-383 and 415 in MS-DOS for the fc command. Although MS-Dos does not show using a file/font server or a portion of a font file, Crandall does in col. 1, lns. 28-35 at [This invention describes a device and method of examining electronically-recorded documents (typically in the form of one or more of computer files) prior to printing, transmission or recording, determining their fitness for printing, transmission or recording, and reporting and/or correcting all found inconsistencies and errors to assure compatibility with the printing press, recording apparatus, electronic file server or other output device.] and in col. 5, lns. 25-43 at [The file is then opened in step 6 and checked for corrupted data in step 8 utilizing methods known in the art. For example, computer code used to generate fonts comprises a "resource fork" and a "data fork." Each fork contains information needed to draw the characters on an output device or viewing device. The present invention examines each fork to determine if it contains valid data by comparing the data in the fork with known acceptable values. If file data are corrupted, an error message 10 is generated and entered in the error report file 36, upon which the process stops at step 40. If the file data are found to be intact, the process proceeds to

Art Unit: 2676

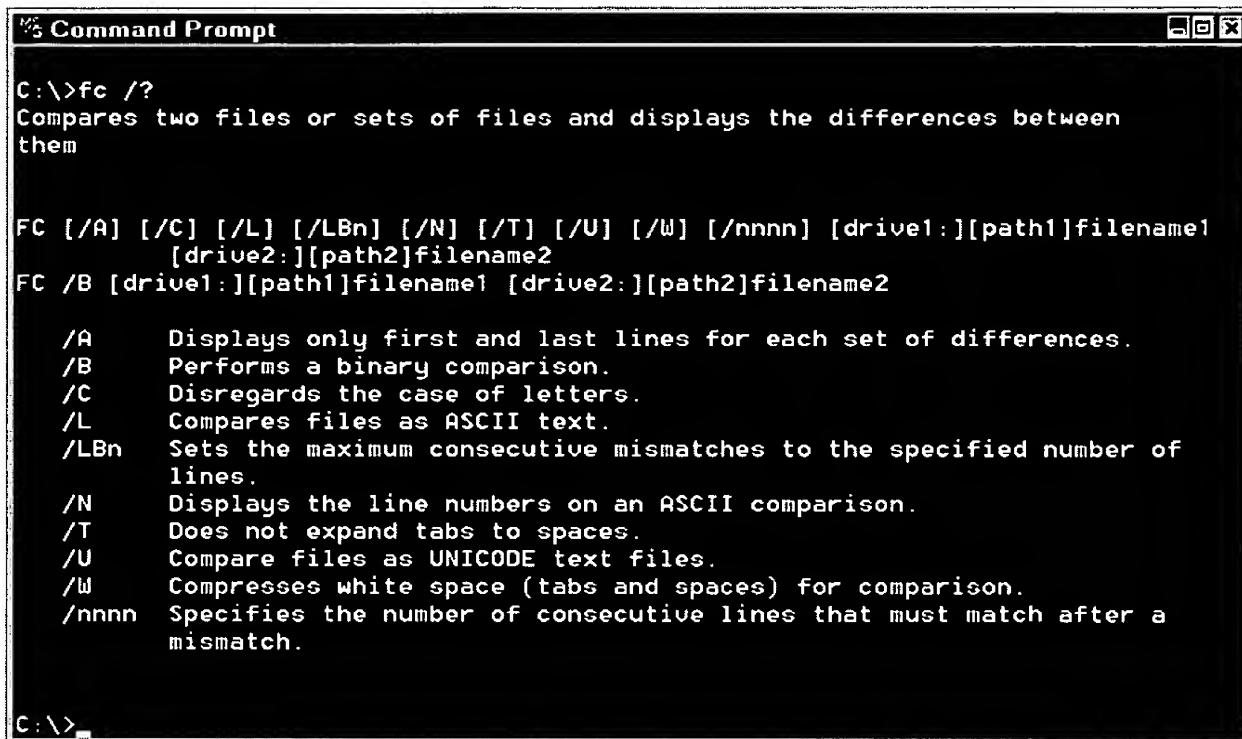
step 12 where the file is scanned for its elements, whose presence or absence is recorded in data lists 14 in step 16. These lists or a list may contain data on document preference settings, encryption, compression, found fonts, images, image attributes and positioning, styles, colors, box characteristics, resolution, link information, embedded objects, among others.

(4) Simultaneously, identified document components are collected in a single location in step 34.

(5) Utilizing user-supplied preferences 20, or a set of pre-loaded preference values 22, comparisons are then performed between these preferences and information contained in the data list in step 18. On demand, the created preferences 24 can be generated automatically utilizing document knowledge database and taking into account information about the document to be analyzed and the data it contains. At the end of the comparison process an error report file 36 is created.] Wherein [These lists or a list may contain data] corresponds to "a portion of".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fc disclosed by MS-DOS in combination with a server and checking a portion of a file for corruption disclosed by Crandall, and motivated to combine the teachings because it would be desirable, therefore, to pre-test documents prior to printing, transmission or recording to uncover any potential printing, transmission or recording problems as revealed by Crandall in col. 2, Ins. 53-56.

Fig. 1



```
C:\>fc /?
Compares two files or sets of files and displays the differences between them

FC [/A] [/C] [/L] [/LBn] [/N] [/T] [/U] [/W] [/nnnn] [drive1:][path1]filename1
[drive2:][path2]filename2
FC /B [drive1:][path1]filename1 [drive2:][path2]filename2

/A      Displays only first and last lines for each set of differences.
/B      Performs a binary comparison.
/C      Disregards the case of letters.
/L      Compares files as ASCII text.
/LBn    Sets the maximum consecutive mismatches to the specified number of
       lines.
/N      Displays the line numbers on an ASCII comparison.
/T      Does not expand tabs to spaces.
/U      Compare files as UNICODE text files.
/W      Compresses white space (tabs and spaces) for comparison.
/nnnn   Specifies the number of consecutive lines that must match after a
       mismatch.

C:\>
```

B. Per claim 2, although the method according to claim 1 is disclosed *supra*, MS-DOS and Crandall do not disclose the use of checksum. However Official Notice is given that telecommunication software, particularly xmodem, ymodem, zmodem, and procomm use a checksum to send, receive, and compare files between networked computer systems, wherein determination is made as to the success of the transferred files.

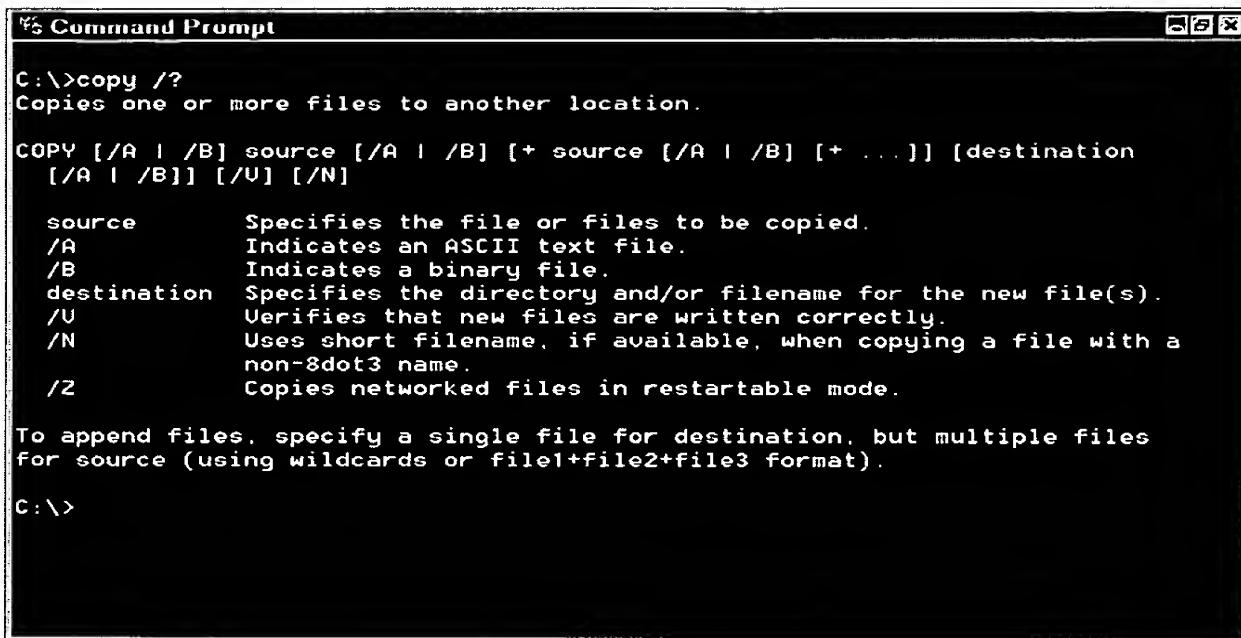
Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fc with servers as disclosed *supra* in combination with xmodem, ymodem, zmodem, and/or procomm disclosed by Office Notice, and motivated to combine the teachings because it would receive, compare, and determine corruption between two networked or coupled computer systems and using checksums in the process as revealed *supra*.

Art Unit: 2676

C. Per claim 3, operating MS-DOS command copy, copies one or more files from the source location to the destination location. Therefore specifying the source as the uncorrupted font file and the destination as the corrupted font file, the copy command will send a copy of the uncorrupted file to the location of the corrupted file thereby overwriting or replacing it. See the following Fig. 2 detailing description of DOS copy command. See p. 372 and 412 in MS-DOS for the copy command. Although MS-Dos does not show using a file/font server, Crandall does in col. 1, lns. 28-35.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply copy disclosed by MS-DOS in combination with a server disclosed by Crandall, and motivated to combine the teachings because complex documents are routinely created utilizing input from a multitude of source data files and software programs, prior to printing, transmitting or recording such documents as revealed by Crandall in col. 1, ln. 66 – col. 2, ln. 2.

Fig. 2



The screenshot shows a Windows Command Prompt window titled "Command Prompt". The command entered is "C:\>copy /?". The output provides detailed information about the COPY command, including its syntax and various options:

```
C:\>copy /?
Copies one or more files to another location.

COPY [/A | /B] source [/A | /B] [+ source [/A | /B] [+ ...]] [destination
[ /A | /B]] [/U] [/N]

source      Specifies the file or files to be copied.
/A          Indicates an ASCII text file.
/B          Indicates a binary file.
destination  Specifies the directory and/or filename for the new file(s).
/U          Verifies that new files are written correctly.
/N          Uses short filename, if available, when copying a file with a
           non-8dot3 name.
/Z          Copies networked files in restartable mode.

To append files, specify a single file for destination, but multiple files
for source (using wildcards or file1+file2+file3 format).

C:\>
```

D. Per claim 4, “wherein said step of replacing further includes: transmitting the portion of the uncorrupted font file from the font server to the computer system; and storing the portion of the uncorrupted font file in memory in the computer system”, is disclosed *supra* for claim 3 whereby the MS-DOS command copy, copies one or more files from the source location to the destination location. Therefore, via Crandall as also disclosed *supra*, specifying the source as the server with the uncorrupted font file and the destination as the computer system with the corrupted font file, the copy command will transmit the file by overwriting and replacing the corrupted file with the uncorrupted file and whereby [these lists or a list may contain data ... among others; Crandall – col. 5, lns. 38-43, corresponds to “portion of”. See the Fig. 2, *supra*, detailing description of MS-DOS copy command.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the MS-DOS copy command disclosed by MS-DOS in combination with using a server and portion thereof as disclosed by Crandall, and motivated to combine the teachings because it would report and/or correct the corrupted file with an uncorrupted file as revealed by Crandall in col. 1, lns. 28-35.

E. Per claim 6, "further comprising the step of transmitting a result of said step of determining to the computer system" is disclosed supra for claim 1, operating MS-DOS the fc command, see Fig. 1 supra, for using file compare and supplying the directory paths and file names for both a known good (uncorrupted) file and the suspected (corrupted) file. The files can be any type files, i.e. text, font, or binary. The fc command will determine and display the results indicating if the two files compared are OK or if there are errors. More info can be determined and displayed depending on the combination of switches use with fc. See p. 382-383 and 415 in MS-DOS for the fc command.

The MS-DOS file compare 'fc' disclosed supra can be combined along with the redirection '>' command disclosed on p. 398 of MS-DOS. The following command would therefore perform a file comparison with filename1 on source drive s:\ and filename2 on destination drive d:\ and sent the resulting report to a file named results on drive r:\ as follows:

```
fc s:\path\filename1 d:\path\filename2 >r:\results
```

Also note that drives s, d, or r can be local, remote, network, or server drives and r:\ can just as well be s:\ or d:\ drives as disclosed by Official Notice supra. Filename 1 can be the uncorrupted font file and filename2 can be the corrupted font file or vice versa. The file type really doesn't

matter, although for binary files use the /b switch with fc. The redirection '>' will send the resulting report of the fc command to drive r:\ into a file named results.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fc and the redirect piping command '>' disclosed by MS-DOS in combination with a server disclosed by Office Notice, and motivated to combine the teachings because it would receive, compare, and determine corruption between two font files between networked or coupled computer systems.

F. Per claim 7, this is disclosed supra for claim 3, whereby transmitting and send are equivalent.

G. Per claim 8, "further comprising the step of charging to replace the at least a portion of the font file with the uncorrupted file", Official notice is taken that the art is replete with charging: VISA, MASTERCARD, AMERICAN EXPRESS.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the charging using either VISA, MASTERCARD, or AMERICAN EXPRESS as disclosed by Office Notice, and motivated to combine the teachings because it is a well known method for charging.

Note: Claimed method of charging lacks any detail, said charging step can be as simple as paper invoiced charge or swiping a credit card.

H. Per claim 9, "where if the font file is corrupted, transmitting a request to the computer system asking whether at least a portion of the font file should be replaced with the uncorrupted file" is disclosed, supra for claim 3, whereby the MS-DOS copy command requests a file copy

from the source location, if the command syntax is correct the request is granted. Also note the art is replete with using MS-DOS batch script files with the 'IF' command for decision-making.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the MS-DOS copy command disclosed supra in combination with networked computer systems disclosed by Crandall, and motivated to combine the teachings because it would request and replace the corrupted file with an uncorrupted file.

- I. Claim 10 is disclosed supra for claims 3 (7) and 8.
  - J. Claim 11 is disclosed supra for claim 8.
  - K. Claim 13 is disclosed supra for claim 1 at "display the results indicating if the two files compared are OK or if there are errors."
7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over MS-DOS Batch File Programming, hereafter MS-DOS, and Crandall as applied to claim 1 above, and further in view of Ball et al., (US Patent Publication Number 2002/0120648 A1).
- A. Per claim 14, "The method according to claim 1, further comprising the step of determining whether a preset corruption period has expired and initiating said step of comparing when said preset corruption period has expired" is disclosed supra for claim 1. However it does not disclose, "further comprising the step of determining whether a preset corruption period has expired and initiating said step of comparing when said preset corruption period has expired". But Ball et al. does at "[0165] CGI is a problem because there is no way for snapshot to interact with the user and the user's browser, other than by sending HTML output. When a CGI script is invoked, httpd sets up a default timeout, and if the script does not generate output for a full timeout interval, httpd will return an error to the browser. This was a problem for snapshot

because the script might have to retrieve a page over the Internet and then do a time-consuming comparison against an archived version. The server does not tell snapshot what a reasonable timeout interval might be for any subsequent retrievals; instead this is hard-coded into the script. In order to keep the HTTP connection alive, snapshot forks a child process that generates one space character (ignored by the W.sup.3 browser) every several seconds while the parent is retrieving a page or executing htmdiff.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the copy command disclosed by MS-DOS in combination with timeouts disclosed by Ball et al., and motivated to combine the teachings because it would identify changes by comparison after timeout period expired as disclosed in abstract of Bell et al.

B. Per claim 15, “The method according to claim 14, further comprising the step of resetting the corruption period in response to said step of initiating” is disclosed supra for claim 14, particularly at “The server does not tell snapshot what a reasonable timeout interval might be for any subsequent retrievals; instead this is hard-coded into the script.” Wherein the reset period is automatically reset since it is hard-coded into the script.

#### *Response to Arguments*

8. With regard to traversal of restriction: initially these claims were examined, but based on Applicant’s argument and Examiner’s further review, the independent claims were found scope six distinctly independent inventions. These are specifically as listed in prior office action for Groups I through VI. Each of the independent inventions would require a serious burden because of the divergent searches.

- I. Claims 1-4, 6-11, 13-15 and 38, drawn to comparing at a font server, classified in class 345, subclass 748 and class 358, subclass 1.14, FOR 154.
- II. Claims 16-29, drawn to comparing information associated with a font file in a computer system, classified in class 705, subclass 52, 53.
- III. Claims 30-40, drawn to receiving at a computer system information associated with a portion of an uncorrupted font file from a font server, classified in class 345, subclass 744.
- IV. Claims 41-54, drawn to preset corruption period has expired, classified in class 714, subclass 1, 15, 20 and 55.
- V. Claims 55-68, drawn to comparing a font file stored in a computer system with an uncorrupted font file on a byte-by-byte basis, classified in class 707, subclass 712 and class 714, subclass 700.
- VI. Claims 69-82, drawn to comparing a checksum of a portion of a font file stored in a computer system with a checksum of a portion of an uncorrupted font file, classified in class 714, subclass 52, 703, 757, 766, 804, 805 and 807.

The inventions are distinct, each from the other because of the following reasons:

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

In the amendment received 11/6/2003 based on the office action dated 4/29/2003, the Examiner realized there were multiple inventions based on multiple distinct arguments. A new

search would then be necessary for each distinct invention. This places a serious burden on the Examiner because a new search would be required for each new invention.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Responses*

10. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9314 may be used for formal communications.

Art Unit: 2676

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

*Inquiries*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

*G.F. Cunningham*

gfc

June 3, 2004

*Matthew C. Bella*

MATTHEW C. BELLA  
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